

1 CAMPEAU GOODSSELL SMITH
A Law Corporation
2 SCOTT L. GOODSSELL, SBN 122223
440 N. First Street, Suite 100
3 San Jose, California 95112
(408) 295-9555

4 Attorneys for Debtor

5
6 UNITED STATES BANKRUPTCY COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 In re:) Case No. 03-56788-ASW
9 TELEPATH CORPORATION,) CHAPTER 11
10) Date: March 20, 2009
Debtor.) Time: 2:00 p.m.
11) Court: Hon. Arthur S. Weissbrodt
280 S. First Street, Courtroom 3020
12 San Jose, CA 95112

13 **BALLOTS AND BALLOT SUMMARIES**

14
15 DEBTOR hereby submits all ballots received, and ballots summaries prepared, with
16 respect to Confirmation of its proposed Plan of Reorganization.

17 DATED: March 17, 2009

CAMPEAU GOODSSELL SMITH

18
19 By: /s/ Scott L. Goodsell
Scott L. Goodsell
20 Attorney for Debtor

TELEPATH CORPORATION

BALLOT SUMMARY: Secured Creditors (Class 1a)

	<u>Accept</u>	<u>Reject</u>
Les Ettinger	\$ 1,748,000.00	
TOTALS	(1) \$ 1,748,000.00	(0) \$ -0-
% Number	Accept 100%	Reject 0%
% Amounts	Accept 100 %	Reject 0%

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re:) Case No. 03-56788-ASW
)
TELEPATH CORPORATION,) CHAPTER 11
)
)
Debtor.)
_____)

BALLOT FOR ACCEPTING OR REJECTING DEBTOR'S PLAN OF REORGANIZATION

Regarding the Debtor's Plan of Reorganization dated January 10, 2009:

The Plan referred to in this Ballot can be confirmed by the Court and thereby made binding on you if it is accepted by the holders of two-thirds in amount and more than one-half in number of claims in each class voting on the Plan, and the holders of two-thirds in amount of equity security interests in each class voting on the Plan. In the event the requisite acceptances are not obtained, the Court may nevertheless confirm the Plan if the Court finds that the Plan accords fair and equitable treatment to the class or classes rejecting it, and otherwise satisfies the requirements of §1129(b) of the Bankruptcy Code. To have your vote count, you must return this Ballot.

Mark applicable class:

☒ Class 1a (Secured Creditor Les Ettinger [Note])
☐ Class 1b (Admin. Creditor Les Ettinger [Rent])
☐ Class 1c (Admin. Creditor Les Ettinger [Loan])
☐ Class 2a (Priority Wage Claims)
☐ Class 2b (Priority Tax Claims)
☐ Class 3a (General Unsecured Claims)
☐ Class 3b (Administrative Convenience Claims)***
☐ Class 3c (Motorola)
☐ Class 4 (Equity Interests)

CHECK ONE BOX:

ACCEPTS



REJECTS



the PLAN OF REORGANIZATION of the above-named DEBTOR.

Creditor Name: Lester Ettinger

Signed By: Lester Ettinger

Address: PO Box 32222

San Jose, CA 95152-2222

Dated 3/10/09

Claim Amount: \$1,748,000

*** By marking this box, you consent to treatment of your claim as provided for this special Class in the Plan.

TELEPATH CORPORATION

BALLOT SUMMARY: Chapter 11 Admin. Creditors (Class 1b)

	<u>Accept</u>	<u>Reject</u>
Les Ettinger	\$ 87,000.00	
 TOTALS	(1) \$ 87,000.00	(0) \$ -0-
% Number	Accept 100%	Reject 0%
% Amounts	Accept 100 %	Reject 0%

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re:) Case No. 03-56788-ASW
TELEPATH CORPORATION,) CHAPTER 11
Debtor.)

BALLOT FOR ACCEPTING OR REJECTING DEBTOR'S PLAN OF REORGANIZATION

Regarding the Debtor's Plan of Reorganization dated January 10, 2009:

The Plan referred to in this Ballot can be confirmed by the Court and thereby made binding on you if it is accepted by the holders of two-thirds in amount and more than one-half in number of claims in each class voting on the Plan, and the holders of two-thirds in amount of equity security interests in each class voting on the Plan. In the event the requisite acceptances are not obtained, the Court may nevertheless confirm the Plan if the Court finds that the Plan accords fair and equitable treatment to the class or classes rejecting it, and otherwise satisfies the requirements of §1129(b) of the Bankruptcy Code. To have your vote count, you must return this Ballot.

Mark applicable class:

☒ Class 1a (Secured Creditor Les Ettinger [Note])
☐ Class 1b (Admin. Creditor Les Ettinger [Rent])
☐ Class 1c (Admin. Creditor Les Ettinger [Loan])
☐ Class 2a (Priority Wage Claims)
☐ Class 2b (Priority Tax Claims)
☐ Class 3a (General Unsecured Claims)
☐ Class 3b (Administrative Convenience Claims)***
☐ Class 3c (Motorola)
☐ Class 4 (Equity Interests)

CHECK ONE BOX:

ACCEPTS



REJECTS



the PLAN OF REORGANIZATION of the above-named DEBTOR.

Creditor Name: Lester Ettinger

Signed By: Lester Ettinger

Address: PO Box 32222
San Jose, CA 95152-2222

Dated 3-10-2009

Claim Amount: \$87000

*** By marking this box, you consent to treatment of your claim as provided for this special Class in the Plan.

TELEPATH CORPORATION

BALLOT SUMMARY: Chapter 11 Admin. Creditors (Class 1c)

	<u>Accept</u>	<u>Reject</u>
Les Ettinger	\$ 78,000.00	
 TOTALS	(1) \$ 78,000.00	(0) \$ -0-
% Number	Accept 100%	Reject 0%
% Amounts	Accept 100 %	Reject 0%

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re:) Case No. 03-56788-ASW
TELEPATH CORPORATION,) CHAPTER 11
Debtor.)

BALLOT FOR ACCEPTING OR REJECTING DEBTOR'S PLAN OF REORGANIZATION

Regarding the Debtor's Plan of Reorganization dated January 10, 2009:

The Plan referred to in this Ballot can be confirmed by the Court and thereby made binding on you if it is accepted by the holders of two-thirds in amount and more than one-half in number of claims in each class voting on the Plan, and the holders of two-thirds in amount of equity security interests in each class voting on the Plan. In the event the requisite acceptances are not obtained, the Court may nevertheless confirm the Plan if the Court finds that the Plan accords fair and equitable treatment to the class or classes rejecting it, and otherwise satisfies the requirements of §1129(b) of the Bankruptcy Code. To have your vote count, you must return this Ballot.

Mark applicable class:

☒ Class 1a (Secured Creditor Les Ettinger [Note])
☐ Class 1b (Admin. Creditor Les Ettinger [Rent])
☒ Class 1c (Admin. Creditor Les Ettinger [Loan])
☐ Class 2a (Priority Wage Claims)
☐ Class 2b (Priority Tax Claims)
☐ Class 3a (General Unsecured Claims)
☐ Class 3b (Administrative Convenience Claims)***
☐ Class 3c (Motorola)
☐ Class 4 (Equity Interests)

CHECK ONE BOX:

ACCEPTS



REJECTS



the PLAN OF REORGANIZATION of the above-named DEBTOR.

Creditor Name: Lester Ettinger

Signed By: Lester Ettinger

Address: PO Box 32222
San Jose, CA 95152-2222

Dated 3-10-2009

Claim Amount: \$7800

*** By marking this box, you consent to treatment of your claim as provided for this special Class in the Plan.

TELEPATH CORPORATION

BALLOT SUMMARY: Priority Wage Claims (Class 2a)

Accept

Reject

CLASS NOT IMPAIRED

TELEPATH CORPORATION

BALLOT SUMMARY: Priority Tax Claims (Class 2b)

Accept

Reject

CLASS NOT IMPAIRED

TELEPATH CORPORATION

BALLOT SUMMARY: General Unsecured Creditors (Class 3a)

	<u>Accept</u>	<u>Reject</u>
All Temperature Service	\$ 136.00 **	
Chet Ettinger	\$ 629.79 **	
LAN Logic	\$ unknown	
OTTO Engineering	\$ 3,928.86	
Telewave	\$ 1,122.08 **	
TOTALS	(4) \$	(0) \$ -0-
% Number	Accept 100%	Reject 0%
% Amounts	Accept 100 %	Reject 0%

** amounts listed per Schedules filed 11/7/03

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re:) Case No. 03-56788-ASW
)
TELEPATH CORPORATION,) CHAPTER 11
)
)
Debtor.)
_____)

BALLOT FOR ACCEPTING OR REJECTING DEBTOR'S PLAN OF REORGANIZATION

Regarding the Debtor's Plan of Reorganization dated January 10, 2009:

The Plan referred to in this Ballot can be confirmed by the Court and thereby made binding on you if it is accepted by the holders of two-thirds in amount and more than one-half in number of claims in each class voting on the Plan, and the holders of two-thirds in amount of equity security interests in each class voting on the Plan. In the event the requisite acceptances are not obtained, the Court may nevertheless confirm the Plan if the Court finds that the Plan accords fair and equitable treatment to the class or classes rejecting it, and otherwise satisfies the requirements of §1129(b) of the Bankruptcy Code. To have your vote count, you must return this Ballot.

Mark applicable class:

_____	_____	Class 1a (Secured Creditor Les Ettinger [Note])
_____	_____	Class 1b (Admin. Creditor Les Ettinger [Rent])
_____	_____	Class 1c (Admin. Creditor Les Ettinger [Loan])
_____	_____	Class 2a (Priority Wage Claims)
_____	_____	Class 2b (Priority Tax Claims)
_____	<input checked="" type="checkbox"/>	Class 3a (General Unsecured Claims)
_____	_____	Class 3b (Administrative Convenience Claims)***
_____	_____	Class 3c (Motorola)
_____	_____	Class 4 (Equity Interests)

CHECK ONE BOX:

ACCEPTS

REJECTS



the PLAN OF REORGANIZATION of the above-named DEBTOR.

Creditor Name: CHET ETTINGER

Signed By: [Signature]

Address: 1770 WICKHAM ROAD

SAN JOSE, CA. 95132

Dated

3/16/09

Claim Amount: 2

0

*** By marking this box, you consent to treatment of your claim as provided for this special Class in the Plan.

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re:) Case No. 03-56788-ASW
TELEPATH CORPORATION,) CHAPTER 11
Debtor.)

BALLOT FOR ACCEPTING OR REJECTING DEBTOR'S PLAN OF REORGANIZATION

Regarding the Debtor's Plan of Reorganization dated January 10, 2009:

The Plan referred to in this Ballot can be confirmed by the Court and thereby made binding on you if it is accepted by the holders of two-thirds in amount and more than one-half in number of claims in each class voting on the Plan, and the holders of two-thirds in amount of equity security interests in each class voting on the Plan. In the event the requisite acceptances are not obtained, the Court may nevertheless confirm the Plan if the Court finds that the Plan accords fair and equitable treatment to the class or classes rejecting it, and otherwise satisfies the requirements of §1129(b) of the Bankruptcy Code. To have your vote count, you must return this Ballot.

Mark applicable class:

____ Class 1a (Secured Creditor Les Ettinger [Note])
____ Class 1b (Admin. Creditor Les Ettinger [Rent])
____ Class 1c (Admin. Creditor Les Ettinger [Loan])
____ Class 2a (Priority Wage Claims)
____ Class 2b (Priority Tax Claims)
____ ☒ Class 3a (General Unsecured Claims)
____ Class 3b (Administrative Convenience Claims)***
____ Class 3c (Motorola)
____ Class 4 (Equity Interests)

CHECK ONE BOX:

ACCEPTS



REJECTS



the PLAN OF REORGANIZATION of the above-named DEBTOR.

Creditor Name: LANLOGIC INC

Signed By: [Signature]

Address: 248 RICKENBACHER CIR
LIVERMORE CA 94551

Dated 3-16-09

Claim Amount: _____

*** By marking this box, you consent to treatment of your claim as provided for this special Class in the Plan.

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re:) Case No. 03-56788-ASW
)
TELEPATH CORPORATION,) CHAPTER 11
)
)
Debtor.)
)

BALLOT FOR ACCEPTING OR REJECTING DEBTOR'S PLAN OF REORGANIZATION

Regarding the Debtor's Plan of Reorganization dated January 10, 2009:

The Plan referred to in this Ballot can be confirmed by the Court and thereby made binding on you if it is accepted by the holders of two-thirds in amount and more than one-half in number of claims in each class voting on the Plan, and the holders of two-thirds in amount of equity security interests in each class voting on the Plan. In the event the requisite acceptances are not obtained, the Court may nevertheless confirm the Plan if the Court finds that the Plan accords fair and equitable treatment to the class or classes rejecting it, and otherwise satisfies the requirements of §1129(b) of the Bankruptcy Code. To have your vote count, you must return this Ballot.

Mark applicable class:

_____	Class 1a (Secured Creditor Les Ettinger [Note])
_____	Class 1b (Admin. Creditor Les Ettinger [Rent])
_____	Class 1c (Admin. Creditor Les Ettinger [Loan])
_____	Class 2a (Priority Wage Claims)
_____	Class 2b (Priority Tax Claims)
<u> X </u>	Class 3a (General Unsecured Claims)
_____	Class 3b (Administrative Convenience Claims)***
_____	Class 3c (Motorola)
_____	Class 4 (Equity Interests)

CHECK ONE BOX:

ACCEPTS

REJECTS

☒

☐

the PLAN OF REORGANIZATION of the above-named DEBTOR.

Creditor Name: OTTO Engineering, Inc.

Signed By: Jack E. Jones - Director of Finance

Address: 2 East Main St.

Carpentersville, IL 60110

Dated 03/03/09

Claim Amount: \$3,928.86

*** By marking this box, you consent to treatment of your claim as provided for this special Class in the Plan.

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re:) Case No. 03-56788-ASW
)
TELEPATH CORPORATION,) CHAPTER 11
)
)
Debtor.)

BALLOT FOR ACCEPTING OR REJECTING DEBTOR'S PLAN OF REORGANIZATION

Regarding the Debtor's Plan of Reorganization dated January 10, 2009:

The Plan referred to in this Ballot can be confirmed by the Court and thereby made binding on you if it is accepted by the holders of two-thirds in amount and more than one-half in number of claims in each class voting on the Plan, and the holders of two-thirds in amount of equity security interests in each class voting on the Plan. In the event the requisite acceptances are not obtained, the Court may nevertheless confirm the Plan if the Court finds that the Plan accords fair and equitable treatment to the class or classes rejecting it, and otherwise satisfies the requirements of §1129(b) of the Bankruptcy Code. To have your vote count, you must return this Ballot.

Mark applicable class:

_____	Class 1a (Secured Creditor Les Ettinger [Note])
_____	Class 1b (Admin. Creditor Les Ettinger [Rent])
_____	Class 1c (Admin. Creditor Les Ettinger [Loan])
_____	Class 2a (Priority Wage Claims)
_____	Class 2b (Priority Tax Claims)
_____	Class 3a (General Unsecured Claims)
_____	Class 3b (Administrative Convenience Claims)***
_____	Class 3c (Motorola)
_____	Class 4 (Equity Interests)

CHECK ONE BOX:

ACCEPTS

REJECTS



the PLAN OF REORGANIZATION of the above-named DEBTOR.

Creditor Name: TELEWAVE INC.

Signed By: Raymond J. Colburn

Address: 660 GIGUERE COURT
SAN JOSE, CA 95133

Dated 3-16-09

Claim Amount: ?

*** By marking this box, you consent to treatment of your claim as provided for this special Class in the Plan.

TELEPATH CORPORATION

BALLOT SUMMARY: Administrative Convenience Creditors (Class 3b)

	<u>Accept</u>	<u>Reject</u>
Assured Fire Extinguisher	\$ 134.99	
TOTALS	(1) \$ 134.99	(0) \$ -0-
% Number	Accept 100%	Reject 0%
% Amounts	Accept 100 %	Reject 0%

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re:) Case No. 03-56788-ASW
)
TELEPATH CORPORATION,) CHAPTER 11
)
)
Debtor.)
_____)

BALLOT FOR ACCEPTING OR REJECTING DEBTOR'S PLAN OF REORGANIZATION

Regarding the Debtor's Plan of Reorganization dated January 10, 2009:

The Plan referred to in this Ballot can be confirmed by the Court and thereby made binding on you if it is accepted by the holders of two-thirds in amount and more than one-half in number of claims in each class voting on the Plan, and the holders of two-thirds in amount of equity security interests in each class voting on the Plan. In the event the requisite acceptances are not obtained, the Court may nevertheless confirm the Plan if the Court finds that the Plan accords fair and equitable treatment to the class or classes rejecting it, and otherwise satisfies the requirements of §1129(b) of the Bankruptcy Code. To have your vote count, you must return this Ballot.

Mark applicable class:

_____	Class 1a (Secured Creditor Les Ettinger [Note])
_____	Class 1b (Admin. Creditor Les Ettinger [Rent])
_____	Class 1c (Admin. Creditor Les Ettinger [Loan])
_____	Class 2a (Priority Wage Claims)
_____	Class 2b (Priority Tax Claims)
_____	Class 3a (General Unsecured Claims)
<u>X</u>	Class 3b (Administrative Convenience Claims)***
_____	Class 3c (Motorola)
_____	Class 4 (Equity Interests)

CHECK ONE BOX:

ACCEPTS

REJECTS



the PLAN OF REORGANIZATION of the above-named DEBTOR.

Creditor Name: Assured Fire Extinguisher

Signed By: [Signature]

Address: 1025 Lone Palm Ave. #16
Modesto, CA 95351

Dated 2-20-09

Claim Amount: \$134.99

*** By marking this box, you consent to treatment of your claim as provided for this special Class in the Plan.

TELEPATH CORPORATION

BALLOT SUMMARY: Motorola Creditor (Class 3c)

Accept

Reject

CLASS NOT IMPAIRED

TELEPATH CORPORATION

BALLOT SUMMARY: Equity Interests (Class 4)

Accept

Reject

CLASS DEEMED REJECTED

1 CAMPEAU GOODSSELL SMITH
A Law Corporation
2 SCOTT L. GOODSSELL, SBN 122223
440 N. First Street, Suite 100
3 San Jose, California 95112
(408) 295-9555

4 Attorneys for Debtor

5
6 UNITED STATES BANKRUPTCY COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 In re:) Case No. 03-56788-ASW
9 TELEPATH CORPORATION,) CHAPTER 11
10) Date: March 20, 2009
Debtor.) Time: 11:00 a.m.
11) Court: Hon. Arthur S. Weissbrodt
280 S. First Street, Courtroom 3020
12 San Jose, CA 95112

13 **BALLOTS AND BALLOT SUMMARIES**

14
15 DEBTOR hereby submits all ballots received, and ballots summaries prepared, with
16 respect to Confirmation of its proposed Plan of Reorganization.

17 DATED: March 17, 2009

CAMPEAU GOODSSELL SMITH

18
19 By: /s/ Scott L. Goodsell
Scott L. Goodsell
20 Attorney for Debtor